

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FRANCESCA GINO,

*Plaintiff,*

v.

PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE, et. al.,

*Defendants.*

Civil Action No. 1:23-cv-11775-MJJ

**ASSENTED-TO MOTION FOR EXTENSION OF TIME FOR  
NESENOFF & MILTENBERG, LLP TO OPPOSE URI SIMONSOHN,  
LIEF NELSON, AND JOSEPH SIMMONS' MOTION FOR SANCTIONS**

Nesenoff & Miltenberg, LLP (“Nesenoff & Miltenberg” or the “Firm”), with the assent of Uri Simonsohn, Lief Nelson, and Joseph Simmons (collectively, the “Data Colada Defendants”), respectfully moves to extend the date to respond to the Data Colada Defendants’ Motion for Sanctions (the “Motion for Sanctions”). In support of this motion, Nesenoff & Miltenberg states as follows:

1. Nesenoff & Miltenberg filed this action on August 2, 2023 on behalf of former client, Plaintiff Francesca Gino (“Plaintiff” or “Plaintiff Gino”) against President and Fellows of Harvard College (the “Harvard Defendants”), the Data Colada Defendants, John Does 1-10, and Jane Does 1-20, and amended the initial complaint on August 8, 2023 (the “First Amended Complaint”). [ECF Nos. 1, 6].

2. The Data Colada Defendants moved to dismiss Plaintiff’s Amended Complaint on November 8, 2023. [ECF Nos. 41-43].

3. Nesenoff & Miltenberg, Plaintiff, the Data Colada Defendants, and the Harvard Defendants appeared before this Court on April 26, 2024 for a hearing on the Data Colada

Defendants' Motion to Dismiss, as well as the Harvard Defendants' Motion to Dismiss. [ECF No. 71].

4. On September 11, 2024, this Court granted the Data Colada Defendants' Motion to Dismiss in its entirety. [ECF No. 74]. This Court also granted and denied in part the Harvard Defendants' Motion to Dismiss. *Id.*

5. On January 27, 2025, Barbara A. Robb and Patrick J. Hannon of Hartley Michon Robb and Hannon noticed their appearances in the case on behalf of Plaintiff. [ECF Nos. 92-93].

6. On February 13, 2025, Nesenoff & Miltenberg withdrew their appearances as counsel. [ECF Nos. 94-97]. Nesenoff & Miltenberg no longer represents Plaintiff Gino in the ongoing litigation.<sup>1</sup>

7. On May 9, 2025, the Data Colada Defendants moved for sanctions against Plaintiff Gino and Nesenoff & Miltenberg. [ECF Nos. 98-103].

8. The response to the Motion for Sanctions is presently due on May 23, 2025.

9. Nesenoff & Miltenberg seeks an additional three weeks—moving the existing deadline to June 13, 2025—to respond to the Motion for Sanctions due to previously scheduled court proceedings, including hearings, and conflicting deadlines in other matters.

10. Nesenoff & Miltenberg conferred with counsel for the Data Colada Defendants, who assented to the relief requested herein.

WHEREFORE, Nesenoff & Miltenberg respectfully requests that the Court grant an extension and adjust the deadline for Firm to submit its responsive memorandum to the Motion for Sanctions by June 13, 2025.

[signature page follows]

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<sup>1</sup> On December 18, 2024, Julie Sacks withdrew her appearance as counsel for Plaintiff in the case and advised the Court that Nesenoff & Miltenberg would remain as counsel. [ECF No. 90].

**Date:** May 15, 2025  
Boston, Massachusetts

**Respectfully Submitted,**

**NESENOFF & MILTENBERG, LLP**

/s/ *Tara J. Davis*

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**CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)**

I, Regina M. Federico, hereby certify that Nesenoff & Miltenberg, LLP conferred in good faith with Counsel for the Data Colada Defendants in an effort to resolve or narrow the issues presented in this motion. Counsel for the Data Colada Defendants indicated that they assent to this motion.

Dated: May 15, 2025

/s/ Regina M. Federico  
Regina M. Federico

**CERTIFICATION OF SERVICE**

I hereby certify that on May 15, 2025, this document was filed through the CM/ECF system, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: May 15, 2025

/s/ Tara J. Davis  
Tara J. Davis